UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/948,530	10/09/1997	ALEC MILOSLAVSKY	P3253	7093

24739 7590 06/23/2004

CENTRAL COAST PATENT AGENCY
PO BOX 187
AROMAS, CA 95004

EXAMINER	
NGUYEN, STEVEN H D	
ART UNIT	**PAPER NUMBER**
2665	

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 40

Application Number: 08/948,530
Filing Date: October 09, 1997
Appellant(s): MILOSLAVSKY, ALEC

Donald R. Boys
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/12/04.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 6-9 and 14-16 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,064,730	GINSBERG	5-2000
6,044,144	BECKER	3-2000
5,848,143	ANDREWS	12-1998

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginsberg (USP 6064730) in view of Becker (USP 6366575).

Regarding claims 6-8, Ginsberg discloses (Fig 1-5 and col. 1, lines 17 to col. 6, lines 8) an Internet Protocol Network Telephony (IPNT) call-routing system for routing incoming IPNT calls to at least one agent workstation in an IPNT capable call center (Fig 2, Ref 375 is an agent workstation at a center), comprising an initial call-processing system in the Internet receiving IPNT calls from customers in the Internet (Fig 2, Ref 275 is a customer for making an internet call to a call routing system; See col. 3, lines 7-27), and including a Service Control Point (SCP) processor routing the incoming IPNT calls to selected agent addresses at the at least one call center (Fig 2, Ref 275 is a call service and routing for selecting an address of agent for routing a call; See col. 4, lines 1-37) by using activity information, including one or more of call volume, agent status, and agent skills, received from the at least one call center to select the agent addresses at agent workstations in the at least one call center to route the incoming IPNT calls (Fig 2, Ref 352, 354 and 356 and col. 4, lines 38-63) and a SCP which connects to CTI via an internet (See col. 4, lines 1-38 and Fig 2, Ref 250 and 275). However, Ginberg fail to disclose a SCP which receives the agent information from a plurality of call center for storing in the

database in order to route the incoming calls to the call center. In the same field of endeavor, Becker discloses (Fig 1-6 and col. 1, lines 5 to col. 22, lines 40) a method and system which including a call center router and a collect data server having a database which stores the received about the status of the agents at the call center (Fig 2, Ref 36 is call routing center and CTI data collection server for collecting the status of the agents of the call center for storing into its database and call center router using this information to route the incoming calls to the call center) in order to route the incoming calls to the call centers to the agents (See col. 7, lines 34-52 to col. 9, lines 43) and a plurality of workstations which couples to a LAN (Fig 1, Ref 54 is a work stations and Ref 56 is a LAN).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to couple a plurality of call centers with internet for reporting the agent information to a data collect server and retrieve and using the information to route the incoming calls to the call center as disclosed by Becker's system and method into Ginsberg's system. The motivation would have been to perform a load balancing between the call centers in order to reduce a waiting time of a call center.

2. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ginsberg and Becker in view of Bateman (USP 5884032).

Ginberg does not disclose a CTI and a plurality of computers are connected on a LAN and a data server for storing customer information. However, in the same view of endeavor, Bateman discloses a call center discloses a CTI, data server and computers are connected on a LAN (Fig 1, Ref 18, 36, 42 etc).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a local area network at a call center for connecting a plurality of computers as disclosed by Bateman into the system of Becker and Ginsberg call routing system. The motivation would have been to reduce cost of the call center. Even without, the teaching of Bateman, one of ordinary skill in the art would know how to connect the computers together using a LAN because LAN is well known and expected in the art.

3. Claims 6-9 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews et al (USP 5848143) in view of Becker (USP 6044144).

Andrews teaches (Figs 1-15 and col. 1, lines 15 to col. 17, lines 61) an Internet protocol network telephony system having a routing server (48 or 480) and database (54 or 476) for routing incoming IPNT calls (from Internet callers 4 and 5) to agents (402-406) in an IPNT capable center (400), comprising an initial call-processing system (48 or 408 for receiving an incoming call and routing the call to agent based on the collected database) in the Internet for receiving calls from customers (410,412) in the Internet (408); the routing server routes the incoming calls to the agents using stored and processed information in the database (historical information) about transactions including agent skill, status, availability, etc. See col. 6, lines 31-35 and 42-62. Andrews further teaches that the system can handle Internet phone call. See figure 9, col. 11, and lines 39-67. Andrews differs from the claim in that Andrews database is within the call center as opposed to being located remotely from the call center; located in the Internet and routing the incoming call to the call centers. In the same field of endeavor, Becker discloses (Fig 1-6 and col. 1, lines 5 to col. 22, lines 40) a SCP (Fig 2, Ref 36 and 38 which stores the information about the call centers and using this information for routing the incoming

call); CTI processor (Fig 2, Ref 60a) for collecting the information about the call center and transfer it to a data collected server and call center router (SCP read on the Ref 38 and 36 of Fig 2 which used to route the incoming calls to the call centers; See col. 7, lines 34-52 to col. 9, lines 43). Therefore, it would have been obvious to one skilled in the art to apply the teaching of Becker into Andrews' system to have the database located remotely from the call centers with the motivation being to share the information among the call center and to enhance the reliability of the sharing even in the case the call center being overload in the internet telephony.

(11) Response to Argument

The appellant states that Ginsberg fails to teach an SCP and the components that used to route the call from the customers to the agent at the Internet level. In reply, Ginsberg discloses a control and signaling module which couples to the data base such as 352, 354 and 356 including the information such agent skill, agent status etc for using to route the incoming call from a server 200 to an available agent 350 and 375 at the call center 250 which is Internet base switch wherein the call center connects with control and signaling module via internet link. The control and signaling module reads on SCP which used to store information about agents of the call center and collects the information about the agents from Internet based switch of the call center. The SCP is not located at the call center 250. The Internet protocol is applied to the components for routing the incoming calls to the agents, so these components are at Internet level because it used Internet protocol for routing the incoming calls (See Fig 2 and col. 3, lines 65 to col. 4, lines 37). Furthermore, the appellant states that Becker fails to disclose a database, which stores the information about the available of the agents of the call centers for using to route a call to an agent at the call center. In reply, Becker discloses a CTI data collection server 38 for collecting

data at the network level from the call centers via Internet 26 from CTI server 60 (See col. 8, lines 4-63). When a call center router receives a call, it uses the collected information at CTI collection server 60 to determine which call center has an available agent and route the call to that call center (col. 8, lines 56 to col. 9, lines 10).

The appellant states that Andrews fails to teach an enabling disclosure in order to allow a communication between routing server and a SCP in the Internet for routing a call to the call center based on the information was stored at the SCP. In reply, Andrews discloses a database 54 is connected to the routing server 48 in Fig 2 and database 476 is connected to the routing server 480 in figure 10 by using the network level for routing the incoming call to the agent at the call center via Internet. The database "same as database of SCP" which communicates with a routing server by using a TCP/IP protocol (See col. 11, lines 39 to col. 12, lines 20 and col. 8, lines 24-39 wherein the controller which collects the information of the agent and using this information for routing a call to an agent wherein controller includes a database "SCP" and router "call router" as showed in fig 2). Furthermore, the appellant states that Becker fails to disclose a database, which stores the information about the available of the agents of the call centers for using to route a call to an agent at the call center. In reply, Becker discloses a CTI data collection server 38 for collecting data at the network level from the call centers via Internet 26 from CTI server 60 (See col. 8, lines 4-63). When a call center router receives a call, it uses the collected information at CTI collection server 60 to determine which call center has an available agent and route the call to that call center (col. 8, lines 56 to col. 9, lines 10).

The appellant states that none of prior arts disclosed a SCP in the Internet. In reply, the SCP is a device, which includes a database for receiving incoming message and selecting a

destination within the database for routing the call. So, the teaching of Andrews, Ginsberg and Becker disclose the SCP in the Internet because a collected database of these references includes the information of the agents for using to route an incoming call to the agent at a call center by using network level.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Steven HD Nguyen
Primary Examiner
Art Unit 2665

Steven Nguyen
June 17, 2004

Conferees
Huy Vu
Duc Ho

HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

CENTRAL COAST PATENT AGENCY
PO BOX 187
AROMAS, CA 95004